

Panaji, 19th August, 2021 (Sravana 28, 1943)

SERIES I No. 21

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/LEGN/2021/830

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th July, 2021 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Housing Board (Amendment) Bill, 2021

(Bill No. 27 of 2021)

A

BILL

further to amend the Goa Housing Board Act, 1968 (Act 12 of 1968).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Housing Board (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa Housing Board Act, 1968 (Act 12 of 1968) (hereinafter referred to as the "principal Act"),—

(i) in clause (i), for the words "this territory", the words "the State of Goa" shall be substituted;

(ii) in clause (n), for the word "territory", the words "State of Goa" shall be substituted;

(iii) clause (u) shall be omitted.

3. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (3), for the expression "Land Acquisition Act of 1894", the expression "Land Acquisition Act of 1894 or any other law, dealing with acquisition of land, for the time being in force" shall be substituted.

4. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (3), in the second proviso,—

(i) the expression, ", Daman and Diu" shall be omitted;

(ii) for the expression "Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964", the expression "Goa Salaries, Allowances and Pension of Members of Legislative Assembly Act, 2004 (Act No. 20 of 2004)" shall be substituted.

5. *Amendment of section 21.*— In section 21 of the principal Act,—

(i) for the words "three lakh rupees", the words "fifteen lakh rupees" shall be substituted;

(ii) in the first proviso, for the words "ten lakh of rupees" and "one crore of rupees", the words "fifty lakh of rupees" and "five crore of rupees" shall be respectively substituted.

6. *Amendment of section 41.*— In section 41 of the principal Act, in sub-sections (1) and (2), for the words "ten lakhs", the words "ten crore" shall be substituted.

7. *Amendment of section 53.*— In section 53 of the principal Act,—

(i) in sub-section (1), in the proviso, for the words "twenty-five thousand", the words "twelve lakhs and fifty thousand" shall be substituted;

(ii) in sub-section (2), for the expression "the Land Acquisition Act, 1894", wherever it occurs, the expression "the Land Acquisition Act, 1894 or any other law, dealing with acquisition of land, for the time being in force" shall be substituted.

8. *Amendment of section 68.*— In section 68 of the principal Act, in the proviso,—

(i) the expression ", Daman and Diu" shall be omitted;

(ii) for the word "Territory", the words "State of Goa" shall be substituted.

9. *Amendment of section 95.*— In section 95 of the principal Act, in sub-section (2), in clause (a), the expression, ", Daman and Diu" shall be omitted.

10. *Amendment of section 97.*— In section 97 of the principal Act, for the word "fifty", the words "five thousand" shall be substituted.

11. *Amendment of section 98.*— In section 98 of the principal Act,—

(i) in clause (a), for the words "five hundred rupees" and "fifty rupees", the words "fifty thousand rupees" and "five thousand rupees" shall be respectively substituted;

(ii) in clause (b), for the words "one hundred rupees" and "ten rupees", the words "ten thousand rupees" and "one thousand rupees" shall be respectively substituted.

12. *Amendment of section 99.*— In section 99 of the principal Act,—

(i) in clause (a), for the words "one hundred", the words "ten thousand" shall be substituted;

(ii) in clause (b), for the word "fifty", the words "five thousand" shall be substituted.

13. *Amendment of section 100.*— In section 100 of the principal Act, in clause (b), for the words "two hundred", the words "twenty thousand" shall be substituted.

14. *Amendment of section 101.*— In section 101 of the principal Act,—

(i) in clause (a), for the words "one hundred", the words "ten thousand" shall be substituted;

(ii) in clause (b), for the word "fifty", the words "five thousand" shall be substituted.

15. *Amendment of section 102.*— In section 102 of the principal Act, in sub-section (2), for the words "compensation of such amount not exceeding one thousand rupees", the words "compensation of an amount not less than one lakh rupees" shall be substituted.

16. *Amendment of section 128.*— In section 128 of the principal Act, in sub-section (3), the expression " , Daman and Diu" shall be omitted.

Statement of Objects and Reasons

The Goa, Daman and Diu Housing Board Act, 1968 (Act 12 of 1968) (hereinafter referred to as the "said Act") was enacted

by the Legislative Assembly of Goa, Daman and Diu when Goa was a part of the Union Territory of Goa, Daman and Diu. After enactment of the Goa, Daman and Diu Reorganisation Act, 1987 (Central Act 18 of 1987), a new State of Goa as also the new Union Territory of Daman and Diu was formed. The said Act was amended in the year 2001 and it is now further proposed to amend the said Act, suitably, so as to amend the word "territory" and omit the expression ", Daman and Diu" from the said Act.

The Bill further seeks to make consequential amendments to sections 3, 21 and 53 in view of enactment of new laws on the subjects covered thereto.

The Bill also seeks to enhance the monetary powers of the Board and Chairman, to incur expenditure out of the funds, considering the present rates. Also, the amounts specified in the said Act, in relation to purchase of property by the Goa Housing Board, cost limit for modification to a housing scheme and various penalties are proposed to be rationalized on par with the contemporary conditions.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications to the State Government are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Secretariat,
Porvorim-Goa.
26th July, 2021.

MAUVIN GODINHO
Minister for Housing.

Assembly Hall,
Porvorim-Goa.
26th July, 2021.

NAMRATA ULMAN
Secretary to the
Legislative Assembly.

ANNEXURE

Extract of the Goa Housing Board Act, 1968 (Act No. 12 of 1968)

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(i) 'co-operative society' means a society registered or deemed to be registered under the law relating to co-operative societies for the time being in force in this territory;

(n) 'local authority' means the area under the jurisdiction of a municipal council or a nagar panchayat or a panchayat constituted under any law for the time being in force in the territory;

(u) 'Territory' means the Union Territory of Goa, Daman and Diu;

3. *Establishment and incorporation of Board.*—

(3) For the purposes of this Act and the Land Acquisition Act of 1894 the Board shall be deemed to be a local authority.

5. *Term of office of Chairman and other members.*—

(3) Every member shall be entitled to receive such remuneration or allowances from the funds of the Board as may be prescribed:

Provided that if the Board so desires, he shall be entitled to receive both remuneration and allowances at such rates as may be prescribed:

Provided further that in the case of a member of the Legislative Assembly of Goa, Daman and Diu, he shall not be entitled to any remuneration other than the travelling allowance and daily allowance at rates not exceeding those admissible to him as a member of the Legislative Assembly under the Goa, Daman and Diu Salaries and Allowances of Members of the Legislative Assembly Act, 1964.

21. *Powers of Board and Chairman to incur expenditure.*— Subject to budget provision and availability of funds, expenditure may be incurred on any single work or scheme for carrying out any of the purposes of this Act—

(1) by the Chairman, in case such expenditure does not exceed three lakh rupees; and

(2) by the Board, in other cases:

Provided that the Board shall not, without the previous approval of the Government, incur any expenditure exceeding ten lakh of rupees if the

funds are linked to any Government Guarantee and one crore of rupees in other cases.

Provided further that the Chairman shall report the expenditure incurred by him under this section to the Board at its next meeting.

41. *Abandonment, modification or sanction of a housing, improvement or building scheme.*— (1) After considering the suggestions or objections received in pursuance of sections 39 and 40, the Board may either abandon or modify or sanction the scheme, or apply to the Government for sanction with such modifications, if any, as the Board may consider necessary if the cost of the scheme exceeds ten lakhs of rupees.

(2) The Government may sanction with or without modification, or may refuse to sanction, or may return for reconsideration any housing, improvement or building scheme costing over ten lakhs of rupees submitted to it under sub-section (1).

53. *Power to purchase or lease by agreement.*— (1) The Board may enter into an agreement with any person for the acquisition from him by purchase, lease or exchange of any land which is needed for the purposes of a housing scheme, or any interest in such land, or for compensating the owners of any such right in respect of any deprivation thereof or interference therewith:

Provided that the previous approval of the Government shall be obtained in case of purchase or exchange involving land worth more than rupees twenty-five thousand or lease for more than five years.

(2) The Board may also take necessary steps for the compulsory acquisition of any land or any interest therein required for the execution of a housing, improvement or building scheme in the manner provided in the Land Acquisition Act, 1894, and the acquisition of any land or any interest therein for the purposes of this Act shall be deemed to be acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894.

68. *Guarantee by Government of loans.*— The Government may guarantee in such manner as it thinks fit, the payment of the principal and interest of any loan proposed to be raised by the Board on debenture or of either the principal or the interest:

Provided that the Government shall, so long as any such guarantees are in force, lay before the

Legislative Assembly of Goa, Daman and Diu in every year during the budget session, a statement of the guarantees, if any, given during the current year and an up-to-date account of the total sums, if any, which have been paid out of the Consolidated Fund of the Territory by reason of any such guarantees or paid into the said Fund towards repayment of any money so paid out.

95. *Statements of accounts and audit report to be forwarded to Government.*— (1) The statement of accounts of the Board as certified by the auditor together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Board in respect thereof as it deems fit and the Board shall comply with such instructions.

(2) The Government shall—

(a) cause the statement of accounts of the Board together with the audit report thereon to be laid annually before the Legislative Assembly of Goa, Daman and Diu; and

(b) cause the statement of accounts of the Board and the audit report to be published in the prescribed manner and make available copies thereof on sale at a reasonable price.

97. *Penalty for removing bar, chain or post.*— If any person, without lawful authority, infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 48, he shall be punishable with fine which may extend to fifty rupees.

98. *Penalty for building within street alignment or building line without permission.*— If any person, without the permission of the Board, erects, re-erects, adds to or alters any wall or building so as to make the same project into the street alignment or beyond the building line specified in any deferred street scheme, development scheme or town expansion scheme, he shall be punishable—

(a) with fine which may extend, in the case of a wall or masonry building, to five hundred rupees and, in any other case, to fifty rupees; and

(b) with further fine which may extend, in the case of a wall or masonry building, to one hundred rupees and, in any other case, to ten rupees for each day after the first during which the projection continues.

99. *Penalty for failure to comply with requisition made by auditor.*— If any person fails to comply with any requisition made by the auditor under section 90, he shall be punishable—

(a) with fine which may extend to one hundred rupees;

(b) in case of a continuing failure, with further fine which may extend to fifty rupees for each day after the first during which the failure continues.

100. *Penalty for obstructing contractor or removing mark.*— If any person—

(a) obstructs or molests any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of or in consequence of this Act or any rule or regulation made thereunder; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act or any rule or regulation made or scheme sanctioned thereunder, he shall be punishable with fine which may extend to two hundred rupees.

101. *Penalty for breach of the provisions of the Act.*— Whoever contravenes any of the provisions of the Act or of any rule or regulation made or scheme sanctioned thereunder, shall, if no other penalty is provided for such contravention, be punishable—

(a) with fine which may extend to one hundred rupees; and

(b) in case of a continuing contravention, with further fine which may extend to fifty rupees for each day after the first during which the contravention continues.

102. *Compensation to be paid by offenders.*—

(1) When any person is convicted of any offence under this Act or any rule or regulation made thereunder, the magistrate convicting such person may, on application made in this behalf by the Board or by its officer or other employee authorised by it in this behalf, call upon such person forthwith to show cause as to why he should not pay compensation to the Board for the damage caused by his act or omission in respect of which he is convicted.

(2) The magistrate shall record and consider any cause which such person may show and if the magistrate, after making such inquiry as he may think fit, is satisfied that such person is liable to pay compensation, may direct that compensation of such amount not exceeding one thousand rupees as he may determine, be paid by such person to the Board.

(3) The amount of compensation directed to be paid under sub-section (2) shall, if it is not paid forthwith, be recovered as if it were a fine imposed by the magistrate on such person.

128. *Power to make rules.*—

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu while it is in sessions for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the House agrees in making any modification in any such rule or the House agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



Department of Law

Legal Affairs Division

--

Notification

7/20/2021-LA

The Goa Housing Board (Amendment) Act, 2021 (Goa Act 17 of 2021), which has been passed by the Legislative Assembly of Goa on 29-07-2021 and assented to by the Governor of Goa on 16-08-2021, is hereby published for the general information of the public.

D. S. Raut Dessai, Joint Secretary (Law).

Porvorim, 19th August, 2021.

The Goa Housing Board (Amendment)
Act, 2021

(Goa Act 17 of 2021) [16-08-2021]

AN

ACT

*further to amend the Goa Housing Board Act,
1968 (Act 12 of 1968).*

Be it enacted by the Legislative Assembly
of Goa in the Seventy-second Year of the
Republic of India as follows:—

1. *Short title and commencement.*— (1)
This Act may be called the Goa Housing
Board (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2
of the Goa Housing Board Act, 1968 (Act 12
of 1968) (hereinafter referred to as the
“principal Act”),—

(i) in clause (i), for the words “this
territory”, the words “the State of Goa”
shall be substituted;

(ii) in clause (n), for the word “territory”,
the words “State of Goa” shall be
substituted;

(iii) clause (u) shall be omitted.

3. *Amendment of section 3.*— In section 3
of the principal Act, in sub-section (3), for
the expression “Land Acquisition Act of
1894”, the expression “Land Acquisition Act
of 1894 or any other law, dealing with
acquisition of land, for the time being in force”
shall be substituted.

4. *Amendment of section 5.*— In section
5 of the principal Act, in sub-section (3), in
the second proviso,—

(i) the expression, “, Daman and Diu”
shall be omitted;

(ii) for the expression “Goa, Daman and
Diu Salaries and Allowances of Members
of the Legislative Assembly Act, 1964”, the
expression “Goa Salaries, Allowances and
Pension of Members of Legislative

Assembly Act, 2004 (Act No. 20 of 2004)”
shall be substituted.

5. *Amendment of section 21.*— In section
21 of the principal Act,—

(i) for the words “three lakh rupees”,
the words “fifteen lakh rupees” shall be
substituted;

(ii) in the first proviso, for the words “ten
lakh of rupees” and “one crore of rupees”,
the words “fifty lakh of rupees” and “five
crore of rupees” shall be respectively
substituted.

6. *Amendment of section 41.*— In section
41 of the principal Act, in sub-sections (1)
and (2), for the words “ten lakhs”, the words
“ten crore” shall be substituted.

7. *Amendment of section 53.*— In section
53 of the principal Act,—

(i) in sub-section (1), in the proviso, for
the words “twenty-five thousand”, the
words “twelve lakhs and fifty thousand”
shall be substituted;

(ii) in sub-section (2), for the expression
“the Land Acquisition Act, 1894”,
wherever it occurs, the expression “the
Land Acquisition Act, 1894 or any other
law, dealing with acquisition of land, for
the time being in force” shall be
substituted.

8. *Amendment of section 68.*— In section
68 of the principal Act, in the proviso,—

(i) the expression “, Daman and Diu”
shall be omitted;

(ii) for the word “Territory”, the words
“State of Goa” shall be substituted.

9. *Amendment of section 95.*— In section
95 of the principal Act, in sub-section (2), in
clause (a), the expression, “, Daman and Diu”
shall be omitted.

10. *Amendment of section 97.*— In section
97 of the principal Act, for the word “fifty”,
the words “five thousand” shall be
substituted.

11. *Amendment of section 98.*— In section 98 of the principal Act,—

(i) in clause (a), for the words “five hundred rupees” and “fifty rupees”, the words “fifty thousand rupees” and “five thousand rupees” shall be respectively substituted;

(ii) in clause (b), for the words “one hundred rupees” and “ten rupees”, the words “ten thousand rupees” and “one thousand rupees” shall be respectively substituted.

12. *Amendment of section 99.*— In section 99 of the principal Act,—

(i) in clause (a), for the words “one hundred”, the words “ten thousand” shall be substituted;

(ii) in clause (b), for the word “fifty”, the words “five thousand” shall be substituted.

13. *Amendment of section 100.*— In section 100 of the principal Act, in clause (b), for the words “two hundred”, the words “twenty thousand” shall be substituted.

14. *Amendment of section 101.*— In section 101 of the principal Act,—

(i) in clause (a), for the words “one hundred”, the words “ten thousand” shall be substituted;

(ii) in clause (b), for the word “fifty”, the words “five thousand” shall be substituted.

15. *Amendment of section 102.*— In section 102 of the principal Act, in sub-section (2), for the words “compensation of such amount not exceeding one thousand rupees”, the words “compensation of an amount not less than one lakh rupees” shall be substituted.

16. *Amendment of section 128.*— In section 128 of the principal Act, in sub-section (3), the expression “, Daman and Diu” shall be omitted.

Secretariat,
Porvorim, Goa.
Dated: 19-08-2021.

CHOKHA RAM GARG
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 7.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—159/210—8/2021.